

REMARKS

This is in response to the Office Action mailed on January 12, 2004, and the references cited therewith.

Claims 1-20 and 53-73 are now pending in this application.

Claim 73 was added in the previous response and does not appear to have been considered.

§102 Rejection of the Claims

Claims 1-4, 6-7, 53-56 and 58 were rejected under 35 USC § 102(e) as being anticipated by Struhsaker et al. (US 6,188,912). This rejection is respectfully traversed. The Office Action does not establish a prima facie case of anticipation. Applicant reserves the right to swear behind the reference at a later date.

Each of the claims describes base station transceiver modules that are each configurable to operate as a standalone single-sector base station transceiver. While the Office Action points to Col. 5, line 12 through Col. 6, line 59, there is no direct identification of the elements in Struhsaker et al. that correspond to the claim language. Applicant was not able to find any type of module in Struhsaker et al. that appeared to function as such a standalone single-sector base station transceiver. The cited language in Struhsaker et al. refers to several different cards, and a “remote portion of the base station consisting of the modem array 210, baseband interface bus211, IR and RF Units 212 and 213 and the antenna 214.” Col. 5, lines 28-32. Thus, it is not clear how Struhsaker et al. describes the claimed modules configurable to operate as a standalone single-sector base station. Struhsaker et al. also describes the use of plural remote base stations 102, but these are not modules as claimed.

Each of the claims also describes the use of a module to distribute received data to the base station transceiver modules. This element is also lacking in the language referenced in Struhsaker et al. Since there are no modules configurable to operate as a standalone single-sector base station, there can be no such data distribution module.

Struhsaker et al. is attempting to deal with problems related to the “last mile” or local loop expenses. It provides “a base station architecture to remotely locate a wireless portion of a

base station” Col. 2, lines 8-9. The present application is more concerned with scalability, and addresses the scalability by the use of modules as claimed.

As Struhsaker et al. is lacking at least one element of the claimed invention, the rejection should be withdrawn.

Unaddressed claim 73 describes a base station transceiver module that is configurable to operate as a standalone single-sector base station transceiver, and also includes a transceiver chain. It can also access other module’s transceiver chains via the backhaul interface. See at least page 10, lines 1-5 of the present application.

§103 Rejection of the Claims

Claims 8-20 and 60-72 were rejected under 35 USC § 103(a) as being unpatentable over Struhsaker et al. in view of Dajer et al. (US 6,587,488). This rejection is respectfully traversed. Applicant reserves the right to swear behind both references.

These claims clearly distinguish Struhsaker et al. for at least the reasons cited above. Dajer et al. is cited as providing base station transceiver modules arranged in CDMA three-sector, six-carrier configuration. This assertion is respectfully traversed. As pointed out in the previous response, Dajer et al. does not describe the use of modules as claimed. Further, since neither reference describes the use of the claimed modules, they are not properly combinable, and even if combined, do not teach or suggest the invention as claimed. The rejection should be withdrawn.

Claims 5 and 57 were rejected under 35 USC § 103(a) as being unpatentable over Struhsaker et al. Since these claims each depend from a claim which is believed allowable, these claims are also believed allowable.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

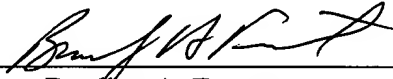
Respectfully submitted,

WALTER R. THORSON ET AL.

By their Representatives,

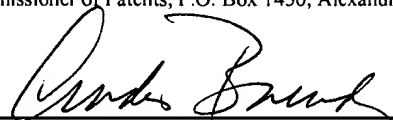
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Date 3-30-2004

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of March, 2004.

Candis B. Buending
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